

with emergency clauses; if other measures are to be enacted, they should follow, and not precede, those on which all patriotic Americans ought to unite.

Third: We request our Senators and Representatives at Austin to lend their full support to the enactment, without any delay, of the laws recommended by Governor Hobby, and thereby reflect the unquestionable will of the State to take care first of all of those who now stand first in defending the nation.

D. H. GUINN,
Chairman of Meeting.

The foregoing is printed by order of the Senate on request of Senator McNealus.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 1, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas of 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating \$60,000 to pay mileage and per diem of members and officers of the Fourth Called Session of the Thirty-fifth Legislature,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Caldwell, Johnson of Hall, Page, Westbrook, Clark, Johnston of Harris, Dean, Hopkins, Decherd, Bee.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000 for contingent expenses for the Fourth Called Session of the Thirty-fifth Legislature,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Caldwell, Johnson of Hall, Page, Westbrook, Clark, Johnston of Harris, Dean, Hopkins, Decherd.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Thursday, Feb. 28, 1918.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Sulter.
Decherd.	Westbrook.
Floyd.	Woodward.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.
Hudspeth.	Robbins.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McCollum.

Excused.

Senator Robbins for last Tuesday, Wednesday, and today, and the remainder of this week and next week on account of sickness, on motion of Senator Clark.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Certificate of Election.

The State of Texas,
Department of State.

I, Geo. F. Howard, Secretary of State of the State of Texas, do hereby certify, that the Hon. J. R. Wilhelm, county judge of Hays County, Texas, he being the county judge of the returning county for the Twenty-first Senatorial District, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco, has filed in this department a certificate, certifying that Martin Faust, whose postoffice address is New Braunfels, Texas, was elected Senator of the Thirty-fifth Legislature for the Twenty-first Senatorial District, at a special election held on the 15th day of February, 1918; he having received 2588 votes, the same being the highest number of votes cast for any one candidate.

In testimony whereof, I have here-to signed my name officially and caused to be impressed hereon the Seal of State, at my office in the City of Austin, Texas, on this, the 28th day of February, A. D. 1918.
(Seal.) GEO. F. HOWARD,
Secretary of State.

Senator Martin Faust—Oath of Office Administered.

Senator Bailey called the Chair's

attention to the fact that Hon. Martin Faust of Comal County, Senator-elect from the Twenty-first District, is present in the Senate Chamber, and moved that the oath of office be administered and Senator Faust take his seat as a member of this body.

The motion prevailed and the Chair appointed Senators Bailey, Clark and Bee as a committee to escort Senator Faust to the President's stand, whereupon he took the constitutional oath of office administered by President Pro Tem. Decherd.

Senator Faust, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco, addressed the Senate briefly.

Standing Committee Assignments.

Senator Dayton made the following motion in writing:

I move that the President of the Senate, assign Senator Martin Faust to the places on Senate Committees, formerly assigned to his predecessor, Hon. Jas. Harley.

DAYTON.

The motion prevailed and the Chair announced that Senator Faust should fill the position on all standing committees vacated by Senator Harley.

Appointment of Stenographers.

Pursuant to the caucus report heretofore adopted by the Senate, providing for stenographers or secretaries for Senators, the following names have been furnished the Secretary as appointees for districts as designated:

District No. 10: Miss Mabel Moseley.

District No. 22: Miss Pauline Pennington.

District No. 24: Miss Bettie Mae Oliver.

District No. 27: Mrs. M. A. Sellers.

District No. 28: (Not announced.)

District No. 20: Mrs. Alta Bramlette.

District No. 18: Miss Ida Donnelly.

District No. 14: Miss Hallie Orlopp.

District No. 4: Miss Anna Cummins.

District No. 15: Miss Lydia Littman.

District No. 12: David Barrow.

District No. 21: Mrs. Mabel Kinze.

District No. 2: Miss Edna Patterson.

District No. 3: (Not announced.)

District No. 17: Miss Annie McFarland.

District No. 1: Miss Mary W. McCollum.

District No. 31: Dennis P. Ratliff.

District No. 25: Miss Mary McSpaddin.

District No. 29: Miss Loula Carter.

District No. 16: Miss T. H. Bell.

District No. 30: Miss Margaret Ross.

District No. 11: Mr. H. O. Bishop.

District No. 6: Miss Mary Thompson.

District No. 19: Mrs. Nellie Shannon.

District No. 23: Miss Eula Cage.

District No. 9: (Not announced.)

District No. 8: Miss Audrey Vansandt.

District No. 13: Miss Georgia Laura Dick.

District No. 7: Miss Allie Smith.

District No. 5: Miss Anna Parks.

District No. 26: (Not announced.)

Bills and Resolutions.

By Senator Hudspeth:

S. B. No. 12, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of this State, by adding immediately following Article 2439 thereof a new article, to be known as Article 2439a, providing in substance that during the continuance of a state of war between the government of the United States and the government of Germany the Treasurer of this State from time to time shall in like manner and with the approval of the Attorney General and the Comptroller, invest the surplus funds of the State not deposited in State Depositories and not required to meet the current expenses of the government in such short time United States certificates of indebtedness as may have heretofore or as may hereafter be authorized by Congress; providing that when necessary such certificates may be cashed or sold for not less than par and accrued interest; providing that such investments shall

be made only when such certificates are offered directly by the government of the United States; declaring that the Treasurer shall, under such rules as may be established by him, the Attorney General and Comptroller, make subscriptions to allotments from time to time of such certificates and execute the necessary instruments and documents to carry this Act into effect, making an appropriation for the payment of all expenses incident to carrying this Act into effect, providing for the payment thereof; this Act being preceded by a preamble and in Section 2 thereof declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Collins et al.:

S. B. No. 13, A bill to be entitled "An Act prohibiting the manufacture, sale, barter or exchange of spirituous, vinous or malt liquors, or liquors of any character capable of producing intoxication within this State on and after the taking effect of this Act, except for medicinal, mechanical, scientific or sacramental purposes; prohibiting the use of premises, devices and aids in the manufacture, sale, barter or exchange of such liquors; providing penalties for violation of this Act; providing certain civil remedies for the enforcement of the terms of this Act, the same being cumulative of all other remedies relevant thereunto; prescribing the terms upon which liquors may be manufactured, sold bartered or exchanged for medicinal, mechanical, scientific or sacramental purposes; providing procedure for the procuring of evidence for the enforcement of the terms of this Act and providing procedure for the prevention of violations of the terms of this Act; repealing certain laws in conflict herewith; making the terms of this Act cumulative of all other laws upon the subject not in conflict herewith; extending to the entire State the provisions of certain statutes heretofore applicable to local option territory; making it a felony punishable by confinement in the penitentiary to keep a cold storage or place for the keeping for others of such liquors, and punishing corporations by fines, penalties and forfeiture of charters for the violation of this; providing penalties and remedies against officers charged with any

duty in connection with the enforcement of this Act for failure to perform such duties; prescribing venue; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Buchanan of Scurry: S. B. No. 14, A bill to be entitled "An Act authorizing counties, acting through their commissioners' courts, to purchase seed to be planted on farms in such counties by residents thereof who are poor and unable to procure same, and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for the purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1918 are collected; conferring certain powers and prescribing certain duties, relative to the administration of this Act, on the commissioners' courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this Act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed, and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Commissioner of Agriculture, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas, relative to the administration of this Act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this Act, and providing punishment therefor; stating when operation may be com-

menced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act in the sum of two million dollars, and declaring an emergency."

Read first time and referred to Committee on Agricultural Affairs.

By Senator Suiter:

S. B. No. 15, A bill to be entitled "An Act to amend Article 7447, Chapter 5, Title 126 of the Revised Civil Statutes of Texas, of 1911, so as to hereafter provide that no license shall be granted to any dealer in either spirituous, vinous or malt liquors except within, incorporated cities and towns and prescribing the distance from certain institutions and places within which no license for such business shall be granted, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Resolutions Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following resolutions:

Senate Concurrent Resolution No. 1, Providing that the Joint Rules of the Third Called Session of the Thirty-fifth Legislature be adopted as the Joint Rules of the Fourth Called Session of the Thirty-fifth Legislature.

Senate Concurrent Resolution No. 2, Providing that the Hon. Wm. Jennings Bryan be invited to address the Legislature in joint session at such time and on such subject as may suit him.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 17, A bill to be entitled "An Act providing for the investment

of surplus funds of this State by the State Treasurer."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after its caption had been read, the following House bill:

H. B. No. 17, referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution No. 3.

Whereas, There is an imperative necessity that a maximum of production be reached in Texas this year to supply our own citizens with the necessities of life and to feed our army as well as the people and military forces of our associates that victory may be speedily achieved in the world war; and

Whereas, Many of our young farmers who have their lands ready for planting are being taken from their farms through the present draft, and will lose the work already done along the lines of food production, now therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the Secretary of War and those in charge of mobilizing our army be requested to allow, so far as the exigences of the hour will permit, those of the present draft who have been actually engaged in agricultural pursuits to remain as long as possible on their farms, and that they be urged to exert their most active efforts in the further planting of crops and in the performance of their every duty looking to the production of food and feed.

CLARK.
DAYTON.

The resolution was read and on motion of Senator McNealus, the same was referred to the Committee on Military Affairs.

Simple Resolution No. 15.

Whereas, The resolution adopted by the Senate in the Third Called Ses-

sion of the Thirty-fifth Legislature, providing for an investigation of the State departments and State institutions, limited the time in which such investigation should be made to sixty days, and

Whereas, The committee worked faithfully and industriously but were unable to complete the work within sixty days, and the work that the committee was doing was of so much importance that it would have been an injustice both to the committee and to the State for it to have been left undone, and

Whereas, The work of the committee came at a time when the members were compelled to neglect their private business and to make a great sacrifice, and

Whereas, The different members of the committee worked several days more than the sixty day limit as provided in the original resolution for which time they were not and could not under the resolution, be paid, now therefore be it

Resolved, That the Secretary of the Senate Investigating Committee be instructed to issue vouchers, payable out of the contingent expense fund for the amount owing each committeeman for the time he worked beyond the sixty day limit, at the rate of \$5.00 per day and necessary actual expenses, upon the presentation of a verified account approved by the Chairman of the Senate Investigating Committee.

Decherd, Collins, McNealus, Hopkins, Buchanan of Scurry, Smith, Alderdice, Clark, Suiter, Westbrook, Page, Lattimore, Hudspeth, Dean, Floyd, Buchanan of Bell, Bee, Strickland, Hall.

The resolution was read and adopted.

Morning call concluded.

Senate Joint Resolution No. 1.

The Chair laid before the Senate as regular order of business, on its second reading:

S. J. R. No. 1, "Ratifying the amendment to the Constitution of the United States of America proposed by the Sixty-fifth Congress of the United States at its second session, prohibiting the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into,

or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes; authorizing Congress and the several States of the United States of America to have concurrent power to enforce said article by appropriate legislation, and providing that said article shall be inoperative unless it shall have been ratified as an amendment to the Constitution of the United States by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission of same to the States by Congress."

The resolution was read and Senator Clark moved that it be set as a special order for next Tuesday at the conclusion of the morning call.

Senator Westbrook moved as a substitute that the resolution be set as a special order for tomorrow morning at the conclusion of the morning call.

The substitute motion was adopted by the following vote:

Yeas—19.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dayton.	Smith.
Decherd.	Suiter.
Faust.	Westbrook.
Floyd.	Woodward.
Hopkins.	

Nays—3.

Bailey.	Hall.
Clark.	

Absent.

Caldwell.	Dean.
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Absent—Excused.

Gibson.	Parr.
Henderson.	Robbins.
McCollum.	

Pair Recorded.

Senator Strickland (present), who would vote "yea"; Senator Hudspeth (absent), who would vote "nay."

Reason for Vote.

I am opposed to the ratification of the National Constitutional Amendment. I voted "yea" on the motion to set it for tomorrow morning be-

cause the opponents of the measure had agreed with its advocates to set it for tomorrow and I wanted to keep faith in the matter.

FAUST.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 1, A bill to be entitled "An Act appropriating \$60,000.00 to pay mileage and per diem of members and officers of the Fourth Called session of the Thirty-fifth Legislature."

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000.00 to pay contingent expenses of the Fourth Called session of the Thirty-fifth Legislature."

Simple Resolution No. 10.

By unanimous consent and on request of Senator McNealus, the Chair laid before the Senate:

Simple Resolution No. 10 as follows:

I move that no Senator be permitted to speak more than once on any bill or resolution that may be considered during the current called session of the Legislature, and that the time allowed to each Senator to discuss any measure shall not exceed ten minutes.

MCNEALUS.

The Senate rule requiring committee reports to lie over one day was suspended.

Action recurred upon the resolution and the same was adopted.

Recess.

At 11:30 o'clock a. m. the Senate on motion of Senator Suiter, recessed until 3 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

At Ease.

By unanimous consent and on request of Senator Alderdice, the Senate stood at ease for fifty minutes.

In the Senate.

(President Pro Tem. Decherd in the chair.)

Senate Bill No. 11 As Special Order.

By unanimous consent and on request of Senator Clark, Senate Bill No. 11 was set as a special order for next Monday at the conclusion of the morning call.

Simple Resolution No. 16.

(By unanimous consent.)

Resolved, That the Secretary and Journal Clerk of the Senate be allowed \$5.00 stamps each and such expense as may be necessary for telegram and telephone expense necessary to the discharge of their duties, not to exceed \$10.00 during the session

CALDWELL.

The resolution was read and adopted.

House Bill No. 17.

(By unanimous consent.)

Senator Bailey moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 17 put on its second reading.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Faust.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	Page.
Clark.	Smith.
Collins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Decherd.	

Absent.

Floyd.	McNealus.
Hall.	Woodward.
Hudspeth.	

Absent—Excused.

Gibson.	Parr.
Henderson.	Robbins.
McCollum.	

The Chair laid before the Senate on second reading:

H. B. No. 17, A bill to be entitled "An Act to amend Chapter 1, of Title 44 of the Revised Civil Statutes of this State, by adding immediately following Article 2439 thereof a new article, to be known as Article 2439a, providing in substance that during the continuance of a state of war between the governments of the United States and the government of Germany, the Treasurer of this State from time to time shall in like manner and with the approval of the Attorney General and Comptroller invest the surplus funds of the State not deposited in State Depositories and not required to meet the current expenses of the government in such short time United States certificates of indebtedness as may have been heretofore or as may hereafter be authorized by Congress; providing that when necessary such certificates may be cashed or sold for not less than par and accrued interest; providing that such investments shall be made only when such certificates are offered directly by the government of the United States; declaring that the Treasurer shall, under such rules as may be established by him, and Attorney General and Comptroller, make subscriptions to allotments from time to time of such certificates and execute the necessary instruments and documents to carry this Act into effect, making an appropriation for the payment of all expenses incident to carrying this Act into effect, providing for the payment thereof; this Act being preceded by a preamble and in Section 2 thereof, and declaring an emergency."

On motion of Senator Bailey, the Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 17 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Faust.	Woodward.
Floyd.	

Absent.

Alderdice.	Hudspeth.
Hall.	

Absent—Excused.

Gibson.	Parr.
Henderson.	Robbins.
McCollum.	

The bill was laid before the Senate, read third time and, on motion of Senator Bailey, was passed by the following vote:

Yeas—24.

Alderdice.	Floyd.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Faust.	Woodward.

Absent.

Hall.	Hudspeth.
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Absent—Excused.

Gibson.	Parr.
Henderson.	Robbins.
McCollum.	

Senator Bailey moved to reconsider the vote by which House Bill

No. 17 was passed finally and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

At 4:45 o'clock p. m. Senator Clark moved that the Senate stand adjourned until 10 o'clock tomorrow.

The motion prevailed.

APPENDIX.

Petitions and Memorials.

Senator Lattimore offered a letter from Paul Barnhart, of San Antonio, accompanied by a petition from the Spanish speaking ministers of that city endorsing pending liquor legislation, which has for its purpose the protection of military camps from the liquor traffic.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills has carefully examined and compared Senate Concurrent Resolution No. 1, and find it correctly enrolled, and has this day at 11:17 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

S. C. R. No. 1. By Caldwell.

Resolved by the Senate, the House of Representatives concurring, That the joint rules of the Third Called Session of the Thirty-fifth Legislature be adopted as the joint rules of the Fourth Called Session of the Thirty-fifth Legislature.

Committee Room,

Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Enrolled Bills has carefully examined and compared Senate Concurrent Resolution No. 2 and find it correctly enrolled, and has this day at 11:17 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

S. C. R. No. 2. By McNealus.

Whereas, The Honorable Wm. Jennings Bryan, illustrious Democratic leader and distinguished American, will be in Texas soon and has dates to speak at Denton and Fort Worth on March 5 and 6, respectively; therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Hon. Wm. Jennings Bryan be invited to address the Legislature in joint session at such time and on such subject as may suit him.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to amend Article 611 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of spirituous or vinous liquors in quantities of one gallon or less, without taking out a license as a retail liquor dealer; prescribing a penalty for the violation of this Act; providing that prosecutions under this Act shall have precedence upon the dockets of the district courts; provided that persons convicted for violations of this Act shall not have the benefits of the Suspended Sentence Act, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 4, A bill to be entitled "An Act to amend Article 612 of the Penal Code of Texas, adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication in quantities of one gallon or less, without taking out a li-

cense as a retail malt dealer; prescribing a penalty for the violation of this Act; providing that prosecutions thereunder shall have precedence in the district courts; providing that persons convicted of violations of this Act shall not have the benefits of the Suspended Sentence Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 5, A bill to be entitled "An Act to prohibit the sale of any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication, to any person engaged, employed or enlisted in the military or naval service of the United States and in uniform, prescribing a penalty for the violation of this Act; providing that each sale shall constitute a separate offense, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 6, A bill to be entitled "An Act to prohibit the purchase for, or the sale, gift or delivery to, any person engaged or enlisted in the military or naval forces of the United States, of any spirituous, vinous or malt liquor, or medicated bitters, capable of producing intoxication; prescribing a penalty for the violation of this Act, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate

with the recommendation that it do pass.

PAGE, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 11, A bill to be entitled "An Act declaring that if any person shall, during the time the United States of America is at war, use any language in the presence and hearing of another, of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America, the entry, or continuance of the United States of America in the war, the army, navy, marine corps of the United States of America, or any flag, standard, color or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, of such nature as to be reasonably calculated to provoke a breach of the peace, if said in the presence and hearing of a citizen of the United States of America, shall be a felony, and fixing the punishment for such action to confinement in the State penitentiary for any period of time not less than one year nor more than twenty-five years; declaring that if any person shall, during the time the United States of America is at war, commit to writing, or printing, or both writing and printing, by letters, words, signs, figures, or in any other manner and in any language anything of the kind of and concerning those things just enumerated in this caption, and of the kind and character thus stated in this caption that such person shall be guilty of a felony, and shall be punished as above stated; declaring that any person who shall, publicly or privately, mutilate, deface, defile, defy, tramp upon, or cast contempt upon, either

by words or acts, upon any flag, standard, color, or ensign of the United States of America, or that of any of its officers, or either of them, shall be guilty of a felony and punished as just stated; declaring that any person who during the war between the United States and any other nation shall display, or have in his possession for any purpose whatsoever, any flag, standard, color, or ensign, or coat of arms of any nation with which the United States is at war, or any imitation thereof, or that of any State, subdivision, city or municipality of any such nation, shall be guilty of a felony and punished by confinement in the penitentiary for the length of time first stated in this caption; authorizing any person, officer or other person to arrest, without warrant, any one violating any section of this Act; prescribing the force and measures which may be adopted in such case; declaring that any person, officer, or other person about to make such arrest, shall have authority to require any person violating the provisions of this Act to desist from such violation, and authorizing the use of such force and measures as are necessary to cause such person to so desist; fixing venue and jurisdiction for violations of this Act in the district courts of the counties in which such violations occur and in the District Court of Travis County, Texas; and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Rules, to whom was referred

Simple Resolution No. 10, have carefully considered the resolution and beg leave to report the same back to the Senate with the recommendation that it be adopted.

PAGE, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil

Jurisprudence, to whom was referred

H. B. No. 17, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of this State, by adding immediately following Article 2439 thereof a new article, to be known as Article 2439a providing in substance that during the continuance of a state of war between the governments of the United States and the government of Germany, the Treasurer of this State from time to time shall in like manner and with the approval of the Attorney General and Comptroller invest the surplus funds of the State not deposited in State Depositories and not required to meet the current expenses of the government, in such short time United States certificates of indebtedness as may have been heretofore or as may hereafter be authorized by Congress; providing that when necessary such certificates may be cashed or sold for not less than par and accrued interest; providing that such investments shall be made only when such certificates are offered directly by the government of the United States; declaring that the Treasurer shall, under such rules as may be established by him, the Attorney General and Comptroller, make subscriptions to allotments from time to time of such certificates and execute the necessary instruments and documents to carry this Act into effect, making an appropriation for the payment of all expenses incident to carrying this Act into effect; providing for the payment thereof; this Act being preceded by a preamble and in Section 2 thereof declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred S. B. No. 14, A bill to be entitled "An Act authorizing counties through their commissioners courts to purchase seed to be planted on farms in

such counties by residents thereof who are poor and unable to procure same, and to purchase feed for same; authorizing counties to issue warrants on their general funds; prescribing certain duties for the commissioners courts and other county officers in the administration hereof; making an appropriation of State funds not exceeding two million dollars to loan to counties that have not sufficient funds for the purpose of this Act; prescribing certain duties upon the Commissioner of Agriculture, State Treasurer, Comptroller and other State officers; providing penalties, and declaring an emergency,"

Have had same under consideration, and beg leave to report said bill back to the Senate with the recommendation that same do pass and be not printed but be printed in today's journal.

ALDERDICE, Acting Chairman.

S. B. No. 14. By Buchanan of Scurry.

A BILL To be entitled

An Act authorizing counties, acting through their commissioners courts, to purchase seed to be planted on farms in such counties by residents thereof who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for the purpose, where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the year 1918 are collected; conferring certain powers and prescribing certain duties, relative to the administration of this Act, on the commissioners' courts and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this Act may obtain seed and feed hereunder, and providing for the payment therefor

by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this Act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed, and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Commissioner of Agriculture, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas, relative to the administration of this Act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this Act, and providing punishment therefor; stating when operation may be commenced under this Act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this Act in the sum of two million dollars, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. The counties of this State shall have authority to expend their general funds for the purpose of purchasing seed to be planted by residents of such counties during the year 1918 and of supplying feed for the work stock of the residents of such counties who are poor and unable to procure such seed; provided, however, that not more than sufficient seed for seventy-five (75) acres of land shall be furnished to any one person or one household, and not more feed shall be furnished to any one person or household than is sufficient for work stock to work seventy-five (75) acres of land.

Sec. 2. All persons entitled to seed and feed for stock and wishing to avail themselves of the benefit of this Act shall file with the county clerk of the county where such applicant resides, on or before the first day of September, 1918, an application duly sworn to before some officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the ap-

plicant intends to plant; how many bushels or pounds and the kind and character of seed he will require to seed said ground and the number and kind of work stock he intends to work on such lands; said application shall show that the applicant has not procured and is not able to procure the necessary seed and feed for the current year; that he desires such seed and feed for no other purpose than that specified in this Act, and that he will not sell or store the same or any part thereof, but will use the same and the whole thereof in planting and working the crops on the lands specified in his application. Said application shall also set forth the location and ownership of lands which the applicant expects to work. The application shall also contain a true and full description of all the real and personal property owned by the applicant and all incumbrances and liens thereon. He shall also state what, if anything, he owes, and to whom, and the amount thereof. All applications filed under the provisions of this Act shall be consecutively numbered and shall be open to public inspection; and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section. All applications shall be on forms prescribed and furnished the counties operating hereunder, by the Commissioner of Agriculture.

Sec. 3. Any person making a false statement in such sworn application shall be guilty of perjury, and shall be punished as prescribed for that offense in the Penal Code of this State.

Any person obtaining aid by any false statement in such application, or in aid thereof, shall be deemed guilty of swindling, and shall be punished therefor as prescribed in the Penal Code of this State for the offense of swindling.

Sec. 4. The county commissioners court of each county operating under the provisions of this Act shall examine and pass upon all such applications, and may require such additional proof of any of the facts stated therein as may be necessary to make them cognizant of the real facts. If they approve an application, they shall direct the issuance of such grain and feed to the appli-

cant as they may deem sufficient and consistent with the necessities of other applicants and the ability of the county to respond to the valid demands made upon it under this Act; they may direct the issuance of additional seed and additional feedstuff to any applicant from time to time when they deem it necessary and consistent with the conditions that confront them.

Sec. 5. The county clerk of each county shall, as soon as the county commissioners shall have approved an application, issue to such applicant an order for the number of bushels or pounds of each kind of seed, and the amount and kind and character of feed which has been allowed said applicant, unless otherwise directed by the commissioners, or by the county judge, acting for them; provided, however, that such order shall not be delivered to the applicant until he shall have signed a contract in duplicate attested by the county clerk, to the effect that said applicant for and in consideration of the seed and feed furnished him, which shall be described in such contract, the applicant promises to pay to said county the amount of the costs of same, which shall be therein specified, together with ten per cent attorney's fees if suit should be brought on the same. The amount of such indebtedness shall become due and payable on the first day of December, A. D. 1918, together with five per cent interest per annum from the date of such contract.

The contract shall be on forms prescribed by the Attorney General.

Sec. 6. On the delivery of such contract to the county clerk, he shall file the duplicate thereof as chattel mortgages are filed, and the county shall thereby acquire a just and valid lien upon the crops grown by such applicant which are planted from the seeds thus purchased or worked with work stock, for which such feed was advanced; said contract shall be a valid lien as against all creditors, purchasers or mortgages thereafter, and against all liens of any kind or character, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in

force until the amount covered by said contract is fully paid.

Sec. 7. The original of said contract shall be delivered to the tax collector, whose duty it shall be to collect the same when due and pay same to the county; but he shall not be entitled to any additional compensation therefor. If the amount due is not paid the collector, then he shall deliver the contract to the county attorney, who shall bring suit thereon, and for foreclosure of all liens, and shall receive for his services the ten per cent attorney's fees when collection is made; provided, however, that the commissioners' court shall have authority to extend the time of payment on any amount due under the contract, upon such terms as may be agreed upon, provided approved security is furnished; any renewal of the contract shall be a lien against the contractor's crops wherever planted, in the same manner as in the first instance, but a copy of the renewed contract must be filed as in the first instance.

Sec. 8. Any person or persons who shall, contrary to the provisions of this Act, sell, transfer, take or carry away, or in any manner dispose of the seed or feed, or any part thereof, furnished under this Act, or shall use or dispose of same or any part thereof for any other purpose than those stated in his application, shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail for any time not more than ninety days, or by both such fine and imprisonment.

Sec. 9. The county commissioners of every county operating under this Act shall advertise their purpose to distribute seed and feed hereunder for ten days in some newspaper published in the county prior to the date when they shall begin such distribution, or if no newspaper is published, then by notice posted at the usual place in the courthouse. Said advertisement or notice shall contain a provision that no distribution will be made after the first day of September, A. D. 1918.

Sec. 10. If more seed and feed is applied for than can be supplied by the commissioners under the provisions of this Act, then, as near as

may be, considering all the facts and circumstances, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this Act, taking into consideration the acreage and necessities of each applicant. The commissioners shall have the right to refuse any application which they may deem improper to grant, and may revise their adjustment on applications at any time before distribution.

Sec. 11. With the funds provided under this Act, it shall be the duty of the commissioners to purchase such seed and feed at the lowest price at which the same can be obtained, to store and care for the same, and when called for, to furnish the same to applicants at the actual cost thereof, which shall include transportation, storage, insurance, handling and other necessary charges, if any.

Sec. 12. In case a county does not have the actual funds in hand, it may issue warrants against its general funds due from taxes for the current year, which warrants shall be paid when such taxes are collected and which may bear such rate of interest as may be fixed by the commissioners' court, not to exceed 6 per cent per annum.

Sec. 13. It is further provided that on application of any county by its commissioners' court, showing that it has no funds or will have no funds which may be used for the purposes herein contemplated, or that it has insufficient funds for such purpose, the State of Texas shall advance to such county such sum of money as may be necessary for the purposes contemplated by this Act, not to exceed thirty thousand dollars per county. The county receiving such advancements shall repay the same in not exceeding five years, making an annual payment of not less than one-fifth thereof each year. The funds so advanced to the county shall be repaid, together with four per cent interest on the sum advanced. The application of any county for State aid in this manner shall be made to the Commissioner of Agriculture, who shall investigate the conditions in such county, and if he determines that the amount of aid applied for is necessary, he shall approve such application for aid and

present the same to the Comptroller, who shall issue his warrant on the Treasury of this State in favor of the county for the amount approved by the Commissioner of Agriculture.

Sec. 14. Operations under this Act, including the distribution of seed and feed in preparation for the crop year of 1918, may begin as soon as this Act becomes effective, but no distribution shall be made after September 1, 1918, but the other provisions of the Act shall remain effective for its further administration.

Sec. 15. Whenever the State has furnished aid to any county, the State Treasurer shall open an account on his books with each county, and keep a record thereof, showing all sums advanced, and all payments received, and such other facts as may be relevant.

Sec. 16. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of two million dollars for carrying out the purposes of this Act, out of which sum may be paid all necessary clerical help, postage, traveling and other expenses which may be incurred by the Commissioner of Agriculture and his assistants, agents and employes in performing his duties hereunder.

Sec. 17. The fact that the United States is engaged in the greatest war in the history of the world, which is well calculated to tax its economic strength, and the fact that the Federal Government is expending large sums of money to promote the cultivation of large areas of land and the raising of farm products to feed our armies in Europe, and the fact that the growth of farm products has become a necessity of our national existence, and the fact that throughout the State of Texas there has prevailed a drouth of unprecedented severity, causing total crop failures over a vast area, by reason of which many thousands of those engaged in agriculture are unable to obtain seed to plant their crops and feed their work stock; and the fact that more than fifty thousand of the patriotic young men of the State have been called to the colors in defense of their country, and that many more must shortly be called and thus lessen the ability of the farmers generally throughout the State to provide seed and feed for the coming year, creates an emergency and an

imperative public necessity, which requires that the constitutional rule which provides that bills shall be read on three several days, be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Friday, March 1, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Clark, the Senate stood at ease for five minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Balley.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Robbins.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Sulter.
Decherd.	Westbrook.
Faust.	Woodward.
Floyd.	

Absent.

Hall.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.
Hudspeth.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

Simple Resolution No. 17.

The Senate of the State of Texas reaffirms its faith in the integrity, the humanitarian purpose, and great ability of our President, Honorable Woodrow Wilson, Commander-in-Chief of the American Army, as evidenced by him since the beginning and during the present war with Germany. Considering the supreme task which has been placed upon him, we believe he has discharged the great responsibilities thus devolved upon him with distinguished ability and foresight. We have the utmost confidence in his ability to discharge the further responsibilities of the war to a successful conclusion.

Also we have the fullest confidence in the ability and integrity of the Honorable Newton D. Baker, Secretary of War and Joseph Daniels, Secretary of Navy, in their conduct of the war and navy departments. The raising and equipping of the largest army in the history of the Nation in so remarkably short a time clearly demonstrates the high efficiency of the war and navy departments. Also we express our confidence in the other departments of the National Government in the conduct of the war and in the discharge of the other manifold duties imposed upon them in this supreme crisis of our Nation.

FLOYD.

LATTIMORE.

The resolution was read and adopted.

Simple Resolution No. 18.

Resolved, That the Sergeant-at-Arms be instructed to deliver six copies of each day's Journal to the Press table in the Senate.

CALDWELL.

The resolution was read and adopted.

Morning call concluded.

Message from the House.

Hall of House of Representatives.
Austin, Texas, March 1, 1917.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House